

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Viyyokaran Raman RAMACHANDRAN, et al.

Serial No.: 09/815,454 Examiner: David Yiuk JUNG

Filed: March 22, 2001 Art Unit: 2134

Confirmation No.: 7637

For: CROSS DOMAIN AUTHENTICATION AND SECURITY SERVICES  
USING PROXIES FOR HTTP ACCESS

Date: August 22, 2007

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)

The Applicant hereby applies for a patent term adjustment.

The petition fee under 37 C.F.R. § 1.18(e) (\$200) is hereby paid.

STATEMENT OF FACTS

*The history of this patent application*

This patent application was filed on March 22, 2001. The Examiner mailed a first (non-Final) Office Action on September 8, 2004, almost three and one half years after the filing date of this patent application. The Applicant filed a response to this first (non-Final) Office Action on December 7, 2004. The Examiner mailed a second (Final) Office Action on April 21, 2005. The Applicant filed a response (an Amendment After Final under 37 C.F.R. § 1.116) on July 21, 2005. On September 12, 2005, the Examiner telephoned the undersigned to discuss the Amendment After Final. No agreement was reached, and the Applicant filed a Notice of Appeal along with a request for pre-Appeal Brief review on September 20, 2005. The Examiner issued

an Advisory Action to the Amendment After Final on September 28, 2005. The Examiner issued a third (non-Final) Office Action on June 9, 2006, responsive to the pre-Appeal Brief request for review. The Applicant filed a response to the third (non-Final) Office Action on July 6, 2006. The Examiner issued a fourth (non-Final) Office Action on September 21, 2006. The Applicant filed a response to the fourth (non-Final) Office Action on November 1, 2006. The Examiner issued a fifth (Final) Office Action on January 10, 2007. The Applicant filed a response (an Amendment After Final under 37 C.F.R. § 1.116) on February 8, 2007. The Examiner issued a sixth (non-Final) Office Action on February 26, 2007. The Applicant filed a response to the sixth (non-Final) Office Action on March 27, 2007. The Examiner then issued a Notice of Allowance on May 24, 2007, approximately six years and two months after this patent application was filed.

The Applicant did not file a Request for Continued Examination (RCE) or any other form of continuation application in the prosecution of this patent application.

*Current determination of patent term adjustment*

Exhibit A is a copy of the determination of patent term adjustment as shown by PAIR for this patent application. The determination of patent term adjustment mailed with the Notice of Allowance indicates an adjustment of 1051 days, consistent with Exhibit A. According to PAIR, this determination is based on the first (non-Final) Office Action being 840 days late, the second (Final) Office Action being 12 days late, and the third (non-Final) Office Action being 200 days late, offset by the Applicant's response to the first (non-Final) Office Action being one day late.

*Correct patent term adjustment and relevant dates*

Under 35 U.S.C. § 154(b)(1)(B) and 37 C.F.R. §§ 1.702(b) and 1.703(b), if the U.S. Patent & Trademark Office fails to issue a patent within three years of its actual filing date, the Applicant is entitled to a patent term adjustment based on the delay. Three years from the filing date of this patent application would have been March 22, 2004.

37 C.F.R. §§ 1.702(b) and 1.703(b) provide a number of reasons why the patent term adjustment starting three years and one day after the actual filing date of the patent application and ending on the date of issuance of the patent might not be fully counted, including: time consumed by a continued application (37 C.F.R. §§ 1.702(b)(1) and 1.703(b)(1)); time consumed

by an interference proceeding (37 C.F.R. §§ 1.702(b)(2) and 1.703(b)(2)); time consumed by the imposition of a secrecy order (37 C.F.R. §§ 1.702(b)(3) and 1.703(b)(3)); time consumed by review by the Board of Patent Appeals and Interferences or a Federal court (37 C.F.R. §§ 1.702(b)(4) and 1.703(b)(4)); and time consumed by an Applicant-requested delay (37 C.F.R. § 1.702(b)(5)). None of these reasons apply, as this patent application was not subject to a continued application, an interference, a secrecy order, appellate review, or an Applicant-requested delay.

If this patent application had issued three years from the actual date of filing, the issuance date would have been March 22, 2004. Under 37 C.F.R. § 1.703(b), as of August 22, 2007 the patent should have been issued 1248 days ago, and so the patent term adjustment should be 1247 days, adjusting for a reduction in the adjustment of the patent term if the Applicant's failure to engage in reasonable efforts to conclude prosecution; if the Applicant did not fail to engage in reasonable efforts to conclude prosecution, the patent term adjustment should be 1248 days. For each additional day that the patent is delayed from issuing, the Applicant believes an additional day of patent term adjustment is appropriate.

The Applicant believes that a patent term adjustment of 1247 or 1248 days does not include overlapping adjustments, as the Applicant's calculation ignores any patent term adjustment under any subsections of 35 U.S.C. § 154(b)(1) or 37 C.F.R. §§ 1.702-1.705 other than 35 U.S.C. § 154(b)(1)(B) and 37 C.F.R. §§ 1.702(b) and 1.703(b).

*No terminal disclaimer*

This patent application is not subject to a terminal disclaimer.

*The Applicant does not believe there was a failure to engage in reasonable efforts to conclude prosecution*

As noted above, PAIR indicates that the Applicant's response to the first (non-Final) Office Action was filed one day late. The Applicant would like to point out that the Applicant's response to the first (non-Final) Office Action was filed by mail using the U.S. Postal Service. Further, a certificate of mailing was included with the Applicant's response to the first (non-Final) Office Action. Attached as Exhibit B is a true copy of the transmittal letter sent with Applicant's response to the first (non-Final) Office Action, as printed from PAIR. The Applicant

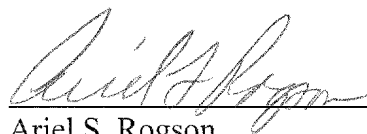
respectfully points out that the transmittal letter includes a certificate of mailing bearing a date of December 7, 2004: OIPE stamped the response to the first (non-Final) Office Action as received on December 9, 2004.

37 C.F.R. § 1.8 (Certificate of mailing or transmission) permits the use of a certificate of mailing and the consideration of a paper as timely filed based on the certificate of mailing. Thus, while the Applicant's response to the first (non-Final) Office Action was not actually received by the U.S. Patent & Trademark Office by December 8, 2004 (three months from the mailing date of the first (non-Final) Office Action), the response was considered by the U.S. Patent & Trademark Office to be timely filed, and so the Applicant believes the Applicant did not fail to engage in reasonable efforts to conclude prosecution.

**The Applicant believes there would be an inherent contradiction in the rules if a paper, such as the Applicant's response to the first (non-Final) Office Action, is considered timely filed but the Applicant is considered to have failed to have engaged in reasonable efforts to conclude prosecution based on the filing of that same paper.**

The Applicant respectfully requests a patent term adjustment of the time number of days from March 23, 2004 until this patent application issues: as of August 22, 2007, the patent term adjustment should be 1247 days if the Applicant is considered to have failed to engage in reasonable efforts to conclude prosecution, or 1248 days if the Applicant did not fail to engage in reasonable efforts to conclude prosecution.

Respectfully submitted,  
MARGER JOHNSON & McCOLLOM, P.C.



Ariel S. Rogson  
Reg. No. 43,054

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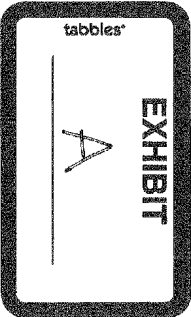
Filing or 371(c) Date:	03-22-2001	USPTO Delay (PTO) Delay (days):	1052
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL) Delay (days):	1
Post-Issue Petitions (days):	+0	Total Patent Term Adjustment (days):	1051
USPTO Adjustment (days):	+0	Explanation Of Calculations	

**Patent Term Adjustment History**

Date	Contents Description	PTO(Days)	APPL(Days)
05-24-2007	Mail Notice of Allowance		
05-23-2007	Notice of Allowance Data Verification Completed		
05-23-2007	Case Docketed to Examiner in GAU		
05-14-2007	Document Verification		
03-31-2007	Date Forwarded to Examiner		
03-27-2007	Response after Non-Final Action		
02-26-2007	Mail Non-Final Rejection		
02-23-2007	Non-Final Rejection		
02-15-2007	Date Forwarded to Examiner		
02-08-2007	Amendment after Final Rejection		
01-08-2007	Miscellaneous Incoming Letter		
01-10-2007	Mail Final Rejection (PTOL - 326)		
01-08-2007	Final Rejection		
09-20-2005	Miscellaneous Incoming Letter		



11-04-2006	Date Forwarded to Examiner		
11-01-2006	Response after Non-Final Action		
09-21-2006	Mail Non-Final Rejection		
09-18-2006	Non-Final Rejection		
07-12-2006	Date Forwarded to Examiner		
07-06-2006	Response after Non-Final Action		
06-09-2006	Mail Non-Final Rejection	200	
06-06-2006	Non-Final Rejection	⤴	
04-28-2006	Correspondence Address Change	⤴	
04-28-2006	Change in Power of Attorney (May Include Associate POA)	⤴	
04-10-2006	Date Forwarded to Examiner	⤴	
04-11-2006	Mail Appeals conf. Reopen Prosec.	⤴	
04-07-2006	Appeals conf. Decision, Reopen Prosec.	⤴	
09-20-2005	Request for Appeal Conference Filed	⤴	
09-20-2005	Notice of Appeal Filed	⤴	
09-20-2005	Request for Extension of Time - Granted	⤴	
09-28-2005	Mail Advisory Action (PTOL - 303)	⤴	
09-26-2005	Advisory Action (PTOL-303)	⤴	
07-31-2005	Date Forwarded to Examiner	⤴	
07-21-2005	Amendment after Final Rejection	⤴	
07-21-2005	Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received		
04-21-2005	Mail Final Rejection (PTOL - 326)	12	
04-18-2005	Final Rejection	⤴	
02-16-2005	Date Forwarded to Examiner	⤴	
12-09-2004	Response after Non-Final Action		1
12-09-2004	Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received	⤴	⤴
12-09-2004	Workflow incoming amendment IFW		⤴
09-08-2004	Mail Non-Final Rejection	840	
09-07-2004	Non-Final Rejection	⤴	
08-13-2004	IFW TSS Processing by Tech Center Complete	⤴	
08-11-2004	Case Docketed to Examiner in GAU	⤴	

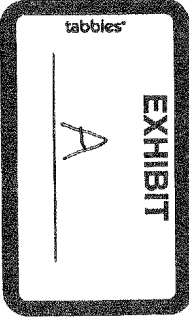


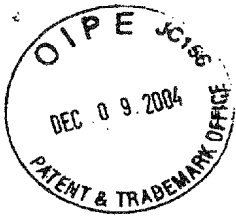
12-18-2003	Case Docketed to Examiner in GAU	↕
08-12-2003	Case Docketed to Examiner in GAU	↕
02-19-2002	Case Docketed to Examiner in GAU	↕
08-29-2001	Application Dispatched from OIPE	↕
05-16-2001	Application Is Now Complete	↕
05-16-2001	Notice Mailed--Application Incomplete--Filing Date Assigned	↕
05-15-2001	Correspondence Address Change	↕
05-15-2001	Correspondence Address Change	↕
04-16-2001	IFW Scan & PACR Auto Security Review	↕
03-22-2001	Initial Exam Team nn	↕

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2134  
PATENT APPLICATION  
Docket No. 6647-020  
IDR-489

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Viyyakaran Raman RAMACHANDRAN et al.

Serial No. 09/815,454

Examiner: David Yiuk JUNG

Filed: 3/22/2001

Group Art Unit: 2134

Title: CROSS DOMAIN AUTHENTICATION AND SECURITY SERVICES USING PROXIES FOR HTTP ACCESS

Confirmation No. 7637

Mail Stop NON FEE AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Responsive to the Final Office Action dated September 8, 2004, enclosed is an amendment in the above-identified application.

The fee has been calculated as shown below:

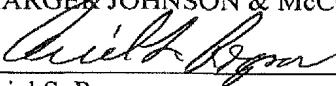
<u>CLAIMS AS AMENDED</u>					
For:	Number After Amendment	Previous Number	Extra	Rate	Additional Fee
Total Claims	46	46*	0	x \$18 =	\$0.00
Independent Claims	2	2**	0	x \$86 =	\$0.00
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT</b>					<b>\$0.00</b>

\*greater of twenty (20) or number for which fee has been paid

\*\*greater of three (3) or number for which fee has been paid

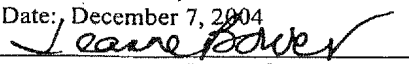
- ☒ PTO Form 2038 authorizing credit card payment for the above-listed fees is enclosed.  
☒ Any deficiency or overpayment should be charged or credited to deposit account number 13-1703.

Respectfully submitted,  
MARGER JOHNSON & McCOLLOM, P.C.

  
Ariel S. Rogson  
Reg. No. 43,054

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop NON FEE AMENDMENT; Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313  
Date: December 7, 2004

  
Jeanne Bower

The PTO did not receive the following listed item(s) credit card for fee payment

EXHIBIT

B